Previous references. (16-P) ✓

1903.

(~~Stn~~ S.R.)

File No. 79 of 03-04.

Serial Nos. 1–2

Later references.

S.R. 4–11–11, 12, 15-16

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–2

Part B. for

SUBJECT.

Application for refund of the value of unused Stamp papers to be made by the purchaser of the paper or by any person duly authorized by him.

Table of Contents.

Sl. 1. ✓ No. C. 433 dy. 19-9-03. From the Dy. Commr. Kolar.
Requesting certain instructions regarding the return of the value of Stamp papers unused.
Fl. 523

Sl. 2. No. Fl. 1310-17 dy. 21-11-03. To D. C. Kolar and the other D.C.'s.
Stating that Govt. Consider that the persons whose names appear on the Stamp paper are to be regarded as purchasers, and that they alone can ask for a refund; that the application must be made by themselves, or by persons duly authorised by them
G. R. S. 58 and that, consequently, the present application based upon an admission by the ostensible purchasers cannot be acceded to

of the Mysore Govt Secretariat

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch

Revenue

Subject

Letter no: C4332/19·9·03 from the Dy Comr, Kolar District, Soliciting instructions in the matter of refund of the value of an unused stamp paper under certain circumstances.

Note.

One Venkatareddi, Patel, and Syed Nasaruddin, contractor, of Malur presented before the Dy Comr, Kolar District, on 16·4·03, a stamp paper (unused) of the value of Rs 65/- endorsed to one Devisingh Jamedar, Jahagirdar of Pura in Malur Taluk, and his son Harisingh, Jamedar and others, and claimed the refund of its value to them. It has been ascertained that the applicants paid the money and purchased the stamp paper on 10·2·03 for ~~Devi~~ the said Devisingh and his sons who intended to sell their Jahagir

to the applicants. Some disputes among the several hissedars of the Jahagir village having arisen, the intended transaction did not take place and the Stamp paper became useless. The applicants say that the said jahagirdars refused to take the Stamp paper and repay its value to them. Devisingh and his Son have however deposed to the effect that they have no objection if the value of the Stamp paper is refunded to the applicants. Clause (a) of S 54 of the Stamp Regn rules that the refund may be ordered when parties prove to the Dy Comrs Satisfaction that the Stamp paper was purchased by the applicants &c. The applicants in the present case are not the purchasers. The Dy Comr solicits instruction whether the value of the Stamp papers in such cases as the present one may be refunded to the applicants.

Submd for orders. P.T.O

section 54 (a) requires it should be proved to the satisfaction of the Dy Comr that such stamp was purchased by such person (person possessing such stamp) with a bona fide intention to use it. This does not strictly apply to the present case.

Subd to the Secy

M
16/10/03

There is no reason to doubt that the stamp was purchased with a bona fide intention to use it. In such cases, 'purchase' must be liberally construed, and the applicants who actually paid the money may be considered to be the purchasers. The refund is admissible. A draft reply is submitted for approval

18/10/03

To the Dewan,
through the 2nd. Councillor.

Draft Subd
M
24/10/03

I am unable to agree. The question is, who made the purchase and not who found the purchase money. If, as I understand the case to be, the purchasers were the persons whose names appear on the papers, it is they, and they alone, that can apply for a refund under the Act. By all means let the publication be made by themselves or by them & duly authorise the Petitioners to apply on their behalf. The present application based upon an admission by the ostensible purchasers cannot in my opinion be granted. C.

29-10-03

137 44
11.4.03

05-310

I agree
with
7.11.03

Hms
31/10/03

D.V.
11/11/03

Read

Letter no: C 433 d/19-9-03
from the Dy Comr,
Kolar District.

Order thereon.

On 16th April 1903,
Venkatareddi, Patel, and
Syed Nasaruddin, con-
tractor, of Malur, pro-
duced before the Dy Comr,
Kolar District, a general
stamp paper of the value
of Rs 65/- endorsed to
Devisingh jamedar,
Jahagirdar of Pura in
the Malur Taluk, and
his sons, Harisingh jame-
dar and others, and
prayed for the refund
of its value to them. The
stamp is stated to have
been purchased for

executing a sale deed whereby the Jahagir village was to be conveyed to the applicants for Rs 6500/-. Owing to disputes between Devisingh and his sons and the other partners of the Jahagir, the intended sale did not take place, and the stamps became useless. It has further been proved from the depositions of Devisingh and his son Harisingh before the Asstt. Comr. in charge of the Malur Taluk that the money for the purchase of the stamp paper was given by the applicants, and that the paper was returned to them, the transaction having failed. See 54(a) of the Mysore Stamp Regn.

provides for the
having provided that
refund may be ordered
if the person in possession
of a stamp paper proves
to the Dy Comrs satisfaction
that it was purchased
by him with a bona
fide intention to use it,
but
and the applicants in the
present case are not
the actual purchasers
of the stamp. The Dy Comrs
therefore
solicits instructions as
to whether the value of the
stamp may be refunded
to them

2. You observe that
there is
~~being~~ see no reason to doubt
that the stamp was pur-
chased with a bona fide
intention to use it. In
such cases, 'purchase'
must be liberally con-
strued, and the applicants
who actually paid the

money may be con-
sidered to be pur-
chasers. The refund which
is admissible, if any claimed
subject to the amount being
deducted when
payment is made.

Secretary

V 26/10/03

The Dy Comr., Kolar Dist,

Returning the enclosures.

MYSORE GOVERNMENT
1903 7C523.
23 SEP 1903
GENERAL AND REVENUE SECRETT.

From J. C. Cobbe Esqre
Deputy Commissioner
Kolar District.

To
N. V. Nanjundayya Esqre
Secretary to the
Government of Mysore.

Dated 19th September 1903.

Despatched 21 —do—

Received Serial No. 1.

General No.
C No. 433

Enclosure No. 1 & Counterfoil
1 Vol

Regretting certain
instructions regarding
the return of the Value of
Stamp papers issued.

19 Nov T
R
17-9-03 Ans 7/11/1

Submitted with draft for Sd.
2 N
15/10/03

2

Kolar Deputy Commissioner's Office
Champion Reefs —
17th September 1903.

From,

J. C. Carr Esqre
Deputy Commissioner
Kolar District

To,

N. V. Ranganadayya Esqre
Secretary to the Government
of Mysore — Revenue and
General Departments. -

Sir,

I have the honor to submit herewith an unused impressed Stamp Paper of the value of Rs: 65, presented by Venkatareddi and Chasareddi. The applicants state that the paper was purchased by Devising and Harrising for executing a sale deed for Rs 6,500 in favor of the applicants who paid Rs: 65 for the purchase of the paper, as requested by the purchasers. — After the paper was brought with this sum, the transaction fell through owing to some disputes among the other — Hissedars of the village. It will be seen from Clause (a) of Section 54 of the Stamp Regulation that the refund

may be ordered when parties prove to the Collector's satisfaction that the Stamp paper was purchased by the applicant. In the present instance the applicants are not the purchasers, but it is proved from the statements of the purchasers made before the Assistant Commissioner that the money for the purchase of the paper was given by the applicants and that they returned the paper to the applicants, the transaction having failed. —

Applicants claim the refund of the value of the Stamp, since the purchasers who received money from them failed to apply for the refund or to return their money, though often demanded. ——

Request to be informed whether the value of Stamp papers in such cases as the present one may be refunded to the applicants. —

I have the honour to be,
Sir,
Your most obd't Servant

Deputy Commissioner
Kolar District

Read

letter no: C 433 & 19-9-03 from the Dy Commr., Kolar District. Serial No. 2.

Order thereon.

On 16th April 1903, Venkatareddi, Patel, and Syed Nasaruddin, contractor, of Malur, produced before the Dy Commr., Kolar District, a general stamp paper of the value of ~~Rs~~ 65/- purchased in the name of ~~endorsed to~~ Devisingh Jamedar, Jahaghirdar of Pura in the Malur Taluk, and his sons, Harisingh Jamedar and others, and prayed for the refund of its value to them. The stamp is stated to have been purchased for executing a sale deed, whereby the Jahaghir village was to be conveyed to the applicant

It had been purchased for the purpose of executing a sale deed thereon of a certain inam village belonging to Devisingh & his sons, but the sale fell through, and the stamp was not used.

11-03
17-11-03

H: 1310-17 & 21-11-03.
, applies for a refund of ~~to~~ the value of a stamp paper for 65 Rs.

Issued 25/11/03

for Rs 6500/-. Owing to disputes ~~among~~ between Devisingh and his sons and the other partners of the Jahaghir, the intended sale did not take place, and the Stamp became useless; It has further been proved from the depositions of Devisingh and his son Harisingh, before the Asstt Comr in charge of the Malur Taluk that the money for the purchase of the Stamp paper was given by the applicants, and that the paper was returned to them, the transaction having failed. Sec 54(a) of the Mysore Stamp Regn provides for the refund if the person in possession of a stamp paper proves

Though the paper was purchased with a bona fide intention of being used, the applicants are not the purchasers, as required by S. 54(a) of the St. Regn; and so the